THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITON NO.2810 OF 2006

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DATED: 17-02-2006

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BETWEEN:

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N. Jagga Reddy, S/o. Malla Reddy … Petitioner

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And

The District Collector,

Karimnagar District and another …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITON NO.2810 OF 2006

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ORDER:

Petitioner filed this writ petition seeking to declare the action of the respondent authorities in not granting the quarry lease of Vilochavaram or Vppatla to the petitioner as arbitrary and illegal.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioner submits that the petitioner was the lessee in respect of the ridge of Manthani area, Godavari River of Godavari (Mandal) within the specific boundaries of Godavari MNT and Vilochavaram temple for a period of two years from 06-02-2003 to
05-02-2005 on the yearly lease amount of Rs.19,00,000/-. It is stated that the lease in respect of Manthani has been cancelled by proceedings dated 23-11-2004 after

carrying the lease for a period of one year giving three months notice. It is stated that originally the lease is for one year and it is a right of extention for second year. Aggrieved by the order dated 23-11-2004, petitioner filed W.P.No.24175 of 2004 and this court by order dated 02-03-2005 dismissed the said writ petition. It is also pertinent to note that petitioner also filed another writ petition in W.P.No.16310 of 2004 questioning the action of the respondents in not renewing the lease for the second year from 06-02-2004 to 05-02-2005. But the said writ petition was dismissed, against which, an appeal has been filed in W.A.No.1516 of which was also dismissed extending the time to deposit the amount for the second year pursuant to the proceedings dated
26-08-2004. The proceedings dated 26-08-2004 goes to show that the petitioner was permitted to pay the lease amount for the second year at the increased rate of 10% within 15 days and for a period of second lease year and additional period of three months as the petitioner was not able to carrying the business for the three months for certain reasons. It is stated that pursuant to the order of the division bench of this court, petitioner offered to pay the said amount, but they have not received and issued the proceedings dated 23-11-2004. Questioning the said proceedings dated 23-11-2004 alone, the second W.P.No.24175/2005 was filed which was dismissed on 03-02-2005. Therefore, the controversy with regard to the earlier lease and the demand of the petitioner for extention of the lease for one year three months went against the petitioner pursuant to the dismissal of the said writ petition. Thereafter, the respondents issued the present notification dated 07-02-2006 calling for the applications for the leasehold rights of Vilochavaram, Vppatla, Potyala for the period of two years.

It is the case of the petitioner that when the proceedings dated
23-11-2004 goes to show that the quarry lease of sand in respect of the Vilochavaram village was contrary to law and therefore, having cancelled the lease for Manthani earlier and Vilochavaram being the abutting quarry for Manthani cannot be auctioned without considering the claims of the petitioner for extention of lease for Vilochavaram.

The learned Government Pleader for the respondents submits that it is true to say that earlier the Deputy Conservator of Forest and Divisional Forest Officer, Wild Life Management, vide their letter No.4487/2004/S/21, dated 08-09-2004 has made objection for conduct of auctions to the Siwaram village, which is covered under the

Wild Life Sanctuary and that some quarries in the Manthani, Khanapur, Khansaipet, Vilochavaram, Potharam and Arenda villages have auctioned illegally. It is stated that the said decision was reviewed by the Joint Collector in the meeting with the Forest Mining and Ground Water Department Officials and decided not to put the said quarries in auction in future. It is stated that thereafter a survey was conducted in the Wild Life Area by the Forest, Mines, Ground Water and Panchayat Raj Department Officials and decided to conduct auction to Vppatla and Vilochavaram exactly wife life sanctuary area. Accordingly, the present notification has been issued. It is stated that Vilochavaram is a public ridge from that of Manthani, Godavari Khani which were earlier auctioned in favour of the petitioner and therefore, the petitioner is not entitled for extention of his period for Vilochavaram.

In view of the aforesaid facts and circumstances, I am of the opinion that the petitioner is not having any legal or vested right to consider his case for grant of extention of the lease in respect of Vilochavaram.

Writ petition is devoid of merits and accordingly, dismissed. No costs.

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V. ESWARAIAH, J.

Dated: 17-02-2006

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